

Docket No: 0846-0844-2 PCT



#6 Election
11-3-00

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

JEAN-BAPTISTE ALBERTINI, ET AL.

EXAMINER: DONOVAN, L.

SERIAL NO.: 09/508,692

FILED: MARCH 29, 2000

GROUP ART UNIT: 2832

FOR: METHOD FOR INCREASING THE
OPERATING OF A MAGNETIC
CIRCUIT...

RECEIVED

NOV 02 2000

RESPONSE TO RESTRICTION REQUIREMENT

TECHNOLOGY CENTER 2800

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the outstanding Office Action of October 11, 2000, Applicants elect the invention of Group I and Claims 8-10 **with traverse**.

Initially, applicants believe that the outstanding restriction requirement contains a minor error in that the outstanding restriction requirement only indicates claims 9-10 drawn to invention I, i.e. the method of increasing the operating frequency of a magnetic circuit. It is, however, also noted that claim 8 is directed to such a process and therefore the election response elects each of claims 8-10.

Applicants also traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the species and claims were examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Surinder Sachar
Registration No. 34,423



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT

ATTORNEYS AT LAW

FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202 U.S.A.

(703) 413-3000

(703) 413-2220 FACSIMILE

OBLONPAT@OBLON.COM

WWW.OBLON.COM

PATENT, TRADEMARK AND COPYRIGHT LAW
AND RELATED FEDERAL AND ITC LITIGATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Docket No.: 0846-0544-2 PCT



NORMAN F. OBLON
MARVIN J. SPIVAK
C. IRVIN McCLELLAND
GREGORY J. MAIER
ARTHUR I. NEUSTADT
RICHARD D. KELLY
JAMES D. HAMILTON
ECKHARD H. KUESTERS
ROBERT T. POUS
DAVID J. KERA
CHARLES L. GHOLZ
WILLIAM E. BEAUMONT
JEAN-PAUL LAVALLEY, PH.D.
JEFFREY H. KAUFMAN
BRIAN D. ANDERSON
ROBERTA S. BREN
STEPHEN G. BAXTER, PH.D.
RICHARD L. TREANOR, PH.D.
STEVEN P. WEIHROUCH
JOHN T. GOOLKASIAN
RICHARD L. CHINN, PH.D.
STEVEN E. LIPMAN
CARL E. SCHLIER
P. JAY HINES
JAMES J. KULBASIK
RICHARD A. NEIFELD, PH.D.
J. DEREK MASON, PH.D.
SURINDER SACHAR
JONATHAN HUDIS
JEFFREY B. MCINTYRE
WILLIAM T. ENOS
MICHAEL E. McCABE, JR.
STEVEN C. TABACKMAN
JORDAN S. WEINSTEIN
BRADLEY D. LYTLE
MICHAEL R. CASEY, PH.D.

GERALD J. MOSSINGHOFF
MILTON STERMAN
SAMUEL H. BLECH
JOHN O. TRESANSKY
ALTON D. ROLLINS
JAMES R. BOLER
HARRIS A. PITLUCK
RAYMOND F. CARDILLO, JR.
ROBERT W. HAHN, PH.D.
NEAL GOLDFARB
BRIAN B. DARVILLE

MASAYASU MORI

FRANK J. WEST
KATHLEEN COONEY-PORTER
ANDREW M. OLLIS
MARGO LIVESAY, PH.D.
CORWIN P. UMBACH, PH.D.
RON MYERS
W. TODD BAKER
DAVID D'ZURILLA
JOSEPH A. SCAFFETTA, JR.
CARLOS R. VILLAMAR
ROBERT C. MATTSON
MANDY M. PETROCELLI
EDWIN D. GARLEPP
ALEXANDER E. GASSER
KETH DITTHAVONG
CHRISTOPHER D. WARD
THOMAS M. CUNNINGHAM, PH.D.
CLAYTON W. THOMPSON, II
KENNETH T. CUCCINELLI, II
THOMAS J. FISHER
ROBERT C. NISSEN
GAY ANN SPAHN
AKIHIRO YAMAZAKI
AMBER A. TRAIN
MALCOLM J. MACDONALD, PH.D.
ANDREW K. BEVERINA
FREDERICK D. VASTINE, PH.D.
JOHN K. PIKE, PH.D.
JAMES J. KELLY, PH.D.
DAVID A. BILODEAU
STAMATIOS MYLONAKIS, PH.D.
PHILIPPE J.C. SIGNORE, PH.D.
KEVIN A. NORDBERG
THOMAS A. BLINKA, PH.D.
DANIEL J. PEREIRA, PH.D.
RONALD A. RUDDER, PH.D.
JOHN F. T. CONROY, PH.D.
DEREK RICHMOND

* BAR MEMBERSHIP OTHER
THAN VIRGINIA
* JAPANESE PATENT ATTORNEY
* REGISTERED PATENT AGENT

RE: Application Serial 09/508,692

Applicants: JEAN-BAPTISTE ALBERTINI, ET AL.

Filing Date: MARCH 29, 2000

For: METHOD FOR INCREASING THE OPERATING OF A
MAGNETIC CIRCUIT...

Group Art Unit: 2832

Examiner: DONOVAN, L.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Surinder Sachar
Attorney of Record
Registration No. 34,423



22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

RECEIVED

NOV 02 2000

TECHNOLOGY CENTER 2800